

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA14/1061
Description of development:	Alterations and Additions to an Existing Industrial Development Including Tree Removal, Demolition Works and Engineering Works
Classification of development:	Class 8 , Class 5

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 600899
Property address:	25 Kurrajong Road, NORTH ST MARYS NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Plasser Aust Ltd 2 Plasser Crescent NORTH ST MARYS NSW 2760
-----------------	---

DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	5 November 2014
Date the consent expires	5 November 2016
Date of this decision	30 October 2014

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Aaron Howard
Contact telephone number:	(02) 4732 7774

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Your attention is drawn to the conditions of consent listed in Schedule 1 requiring compliance prior to the development consent becoming operational. Council will issue a operational development consent on compliance of all conditions listed in Schedule 1 by the given timeframe.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the plans in the table below, and stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Job & Drawing No.	Issue	Prepared By	Dated
Demolition Plan	14030 - 1000	A	Group GSA Pty Ltd	19/08/14
Site Plan	14030 - 1100	A	Group GSA Pty Ltd	19/08/14
Ground Floor Plan	14030 - 2000	A	Group GSA Pty Ltd	19/08/14
Roof Plan	14030 - 2001	A	Group GSA Pty Ltd	19/08/14
Elevations/Sections	14030 - 3000	A	Group GSA Pty Ltd	19/08/14
Sections	14030 - 3100	A	Group GSA Pty Ltd	19/08/14
Elevations	14030 - 1000	A	Group GSA Pty Ltd	19/08/14
Landscape Plan	14030 – L7000 & L7001	C	Group GSA Pty Ltd	17/06/14
Landscape Planting Plan	14030 – L7101-L7104	A	Group GSA Pty Ltd	17/06/14
Civil Design Notes & Sediment and Erosion Control	140074 – DA1.02 & DA2.01-DA2.02	3	Northrop Consulting Engineers	11/08/14

Civil Site works and Grading Plan	140074 – DA3.01 & DA3.02	5	Northrop Consulting Engineers	21/08/14
Stormwater Management Concept Plan and Report	140074 - DA6.01 & DA6.02	5	Northrop Consulting Engineers	21/08/14
DA Acoustic Assessment	20140792.1/2407 A/R1/H P	1	Acoustic Logic	24/07/14
Traffic Impact Statement	T2-11 08	-	Parking and Traffic Consultants	August 2014
Building Code of Australia Report	067137-01BCA – Type B	A	McKenzie Group Consulting	05/08/14
Sustainability Report	Plasser Australia Warehouse Extension	-	Northrop Consulting Engineers	14/08/14
Arboricultural Impact Assessment	Plasser Australia New Factory	-	Bluegum Tree Care and Consultancy	July 2014
Preliminary Stage 1 Environmental Site Assessment	E27578KHrpt	Final	Environmental Investigation Services	1/08/2014
Geotechnical Investigation Report	27578ZRrpt	0	JK Geotechnics	05/08/14
External Lighting Design Concept	140074 - ESK01	1	Northrop Consulting Engineers	21/08/14

2 The development shall not be used or occupied until an Occupation Certificate has been issued.

3 The operating hours of the workshop are from 7am to 5.30pm Mondays to Fridays.

4 All materials and goods associated with the use shall be contained within the building at all times.

5 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

6 A **Construction Certificate** shall be obtained prior to commencement of any building works.

7 The recommendations provided in the Geotechnical Investigation (Ref: 27578ZRrpt, dated 05/08/14) are to be

implemented and incorporated into the design and construction of the development, and shall be reflected on plans accompanying the Construction Certificate application

- 8 The northern doors of the new services workshop must not be opened till 7am, and closed at 5:30pm
- 9 **Prior to the commencement of works**, an Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) . The Protocol is to be submitted to Council and approved, prior to the commencement of site development works. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval and a copy of Council's approval is to be provided to the Principal Certifying Authority.

The Protocol is to address, at minimum, the management of any contamination found on the site during the excavation and site filling works undertaken during the construction phase of the development. The Protocol is to include at minimum, contaminated soils, odour and staining and buried materials. It is to not be limited to, but specifically address those areas of the site where hydrocarbon impacted soils are present and is to ensure that the excavation and management of these soils is supervised at all times by an appropriately qualified environmental consultant. The consultant is to ensure compliance with all relevant contaminated land legislation, standards and NSW Environment Protection Authority Contaminated Land guidelines, as well as relevant Waste Classification guidelines and legislation and is to ensure that contaminated topsoil, if found, shall not be mixed with uncontaminated underlying natural soils or with imported validated fill material.

The above Protocol is to be complied with at all times during the site excavation and filling phase of the development.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

- 10 Twelve (12) months after the issue of the Occupation Certificate, an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitably qualified acoustic consultant and is to assess the level of compliance with the noise criteria set within the DA Acoustic Assessment Report prepared by Acoustic Logic and dated 24/07/2014 (Document Reference 20140792.1/2407A/R1/HP). It is also to consider the requirements of the NSW Environment Protection Authority's Industrial Noise Policy, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

- 11 **Prior to the issue of the Construction Certificate**, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information (assessed by an appropriately qualified acoustic consultant) on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.
- 12 **Prior to the issue of an Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the

Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority

- 13 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

Demolition

- 14 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

- 15 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

- 16 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 17 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 18 Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
 - Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Heritage/Archaeological relics

- 19 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 20 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development, and shall ensure that dust suppression techniques are employed during construction to reduce any potential nuisances to surrounding properties.

- 21 No fill material shall be imported to the site until such time as a Validation Certificate(with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

- 22 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

- 23 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 24 The workshop area shall be provided with suitable pollution control devices that removes grease, oil, petroleum products and grime prior to discharge to the sewer system in accordance with the requirements of Sydney Water.
- 25 All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning.
- 26 **Prior to the issue of a Construction Certificate**, details of any pre-treatment facilities as required by Sydney Water and, if required a Section 73 Certificate issued by Sydney Water for the said development, are to be submitted to the Certifying Authority.

- 27 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

- 28 **Prior to the issue of a Construction Certificate**, an Environmental Management Plan (EMP) for the site shall be submitted to Penrith City Council for consideration and approval. Council's approval of the (EMP) should be provided to the Certifying Authority as part of the Construction Certificate application.

The EMP shall be prepared by an appropriately qualified person/s and shall address all environmental aspects of the operation of the development, including both the proposed additions and the existing operation. The EMP is to incorporate and respond to current site practices undertaken and it is to include details on the environmental management practices and controls implemented on the site, and proposed, to ensure that systems and controls are implemented that will address any existing environmental impact, and minimise any potential for adverse environmental impact. The EMP is to include, but not be limited to:

- wastewater management
- waste management (including solid and liquid wastes)
- chemical storage (including dangerous/hazardous goods), spill contingency and emergency response
- details of the existing and proposed pollution control devices for the development as a whole
- details of proposed bunding
- an audit of existing equipment, machinery and processes to identify, address and rectify any potential for adverse environmental impact
- recommend any systems/ controls to be implemented to minimise the potential for any adverse environmental impact(s), and
- incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards

All activities on the site are to be implemented and carried out in accordance with the Council approved EMP. Council may request a review, and if necessary, updating of the EMP to reflect current environmental standards and legislation. Council must be satisfied with any changes prior to the amendment of the EMP.

- 29 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the DA Acoustic Assessment Report prepared by Acoustic Logic and dated 24/07/2014 (Report Reference 20140792.1/2407A/R1/HP). The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 30 Waste materials associated with the site works and construction of the development are to be disposed of at a lawful waste management facility, or if suitable, reused or recycled at a lawful waste facility. Receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.
- 31 The removal of the underground petroleum storage system is to be undertaken in accordance with the relevant legislation, guideline documents, technical notes and Australian Standards, including the *Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008*, the *Guidelines for implementing the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008*

and the *UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS*.

- 32 The decommissioned underground petroleum storage tanks are to be disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful disposal of the tanks with the submission of the Validation Report.
- 33 All excavated waste, including contaminated soil, is to be lawfully transported and disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful transportation and disposal of the contaminated soil. No contaminated soil is to be retained on site.
- 34 A Validation Report prepared by a suitably qualified environmental specialist is to be submitted to Council within sixty (60) days of the removal of the underground petroleum storage system or at the completion of the remediation works.
- 35 All remediation works in the Penrith Local Government Area are considered to be Category 1 works under SEPP 55- Remediation of Land. In turn, should remediation works be found to be required then development consent is to be sought from Penrith City Council before the remediation works commence.
- 36 All mechanical and other machinery production works are to be undertaken inside of the buildings on the site. No mechanical work including painting and washing shall be carried out other than inside the approved buildings.

BCA Issues

- 37 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 38 A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:
 - the measures that are currently implemented in the building premises,
 - and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.
- 39 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
 - (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

 - must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and

- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

- 40 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Construction

- 41 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

42 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

43 Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval **prior to the issue of a Construction Certificate**.

44 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

45 Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Engineering

46 **Prior to the issue of a Construction Certificate**, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

47 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Northrop Engineers, Reference Number C140074, Revision 5, Dated 21/08/2014.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

48 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

49 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

Landscaping

- 50 All landscape works are to be constructed in accordance with the stamped approved Landscape Plan (Sheets 1 & 2) by Group GSA (14030) dated 17/06/2014 Revision C, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

- 51 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register assuitable to construct category 2 landscape works.
- 52 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Development Control Plan 2010
- 53 All landscape works are to meet industry best practice and the following relevant Australian Standards:
- AS 4419 Soils for Landscaping and Garden Use,
 - AS 4454 Composts, Soil Conditioners and Mulches, and
 - AS 4373 Pruning of Amenity Trees.
- 54 Existing landscaping is to be retained and maintained at all times.
- 55 All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained
- 56 Replacement trees must be planted. At least (10) suitable replacement tree/s (preferably native trees) capable of and nurtured to grow to about 10m in height at maturity, must be planted in a suitable location within the property. Replacement trees must be planted **prior to Occupation Certificate**.
- Trees planted near the western boundary must be formatively pruned to limit growth towards overhead power lines.
- 57 The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.

Payment of Fees

- 58 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

- 59 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

- 60 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

SIGNATURE

Name:	Aaron Howard
Signature:	

For the Development Services Manager